

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CITY OF ISSAQUAH, a municipal
corporation,

Plaintiff,

vs.

ORA TALUS 90, LLC, a Delaware limited
liability company; and RESMARK EQUITY
PARTNERS, LLC, a Delaware limited liability
company,

Defendants.

ORA TALUS 90, LLC, a Delaware limited
liability company; and RESMARK EQUITY
PARTNERS, LLC, a Delaware limited liability
company,

Third-Party Plaintiffs,

vs.

TERRA TALUS LLC, a Washington limited
liability company; ELEMENT RESIDENTIAL
INC., a Washington corporation; JOSHUA
FREED, an individual; J.R. HAYES & SONS,
INC., a Washington corporation; and TERRA
ASSOCIATES, INC., a Washington

No. 18-cv-00910-RSM

STIPULATION AND JOINT MOTION TO
DEPOSE PLAINTIFF AND THIRD-PARTY
DEFENDANT 30(B)(6)
REPRESENTATIVES PAST DISCOVERY
DEADLINE

SAME DAY STIPULATED MOTION:
December 4, 2020

corporation, TALUS MANAGEMENT SERVICES LLC, a Washington limited liability company; and TALUS 7 & 8, LLC, a Washington limited liability company,

Third-Party Defendants.

TALUS 7 & 8 INVESTMENT, LLC, a Washington limited liability company; J.R. HAYES & SONS, INC., a Washington corporation,

Third-Party Plaintiffs,

vs.

KULCHIN FOUNDATION DRILLING COMPANY, a Washington corporation, and BIG MOUNTAIN ENTERPRISE LLC, a Washington limited liability company,

Third-Party Defendants.

COME NOW the above-captioned parties by and through their undersigned attorneys and stipulate and move the Court as follows:

1. The current deadline for lay discovery expires on December 11, 2020.
2. The parties have collectively taken approximately 50 separate lay witness depositions.
3. The parties desire the depositions of 30(b)(6) representatives for Plaintiff City of Issaquah and for Third-Party Defendant Talus 7 & 8 Investment, LLC. Copies of the deposition notices are attached hereto as Exhibits 1 and 2, respectively.
4. Foundational witnesses needed to be deposed prior to Plaintiff's and Talus 7 & 8 Investment's 30(b)(6) representative(s).

5. Due to the factual complexity and scheduling logistics, the parties agree that these two 30(b)(6) depositions may take place past the current lay witness discovery deadline. Plaintiff will produce its 30(b)(6) representatives on December 15, 2020. The parties also agree to take the 30(b)(6) deposition of Talus 7 & 8 Investment at an agreed-upon date in January 2021.

6. The parties, therefore, collectively move the Court for an order authorizing the 30(b)(6) depositions of Plaintiff City of Issaquah and Third-Party Defendant Talus 7 & 8 Investment.

IT IS SO STIPULATED.

Dated this 4th day of December, 2020.

WILSON SMITH COCHRAN DICKERSON

By: s/Whitney L.C. Smith

By: s/Brian Buron

Whitney L.C. Smith, WSBA No. 21159

Brian Buron, WSBA No. 27206

WILSON SMITH COCHRAN DICKERSON

901 Fifth Avenue, Suite 1700

Seattle, WA 98164-2050

Telephone: (206) 623-4100 / Fax: (206) 623-9273

Email: smithw@wscd.com

Attorneys for Third Party Defendant Terra Talus LLC

Dated this 4th day of December, 2020.

KEATING, BUCKLIN & MCCORMACH, INC., P.S.

By: s/Michael C. Walter

Michael C. Walter, WSBA #15044

801 Second Avenue, Suite 1210

Seattle, WA 98104

Telephone: 206-623-8861

Dated this 4th day of December, 2020.

CAIRNCROSS & HEMPELMANN, P.S.

By: s/Terence J. Scanlan

By: s/Patricia A. Laughman

Terence J. Scanlan, WSBA #19498

Patricia A. Laughman, WSBA # 46716

524 Second Avenue, Suite 500

Seattle, WA 98104-2323

Telephone: 206-623-6501

Facsimile: 206-447-1973

Email: tscanlan@cairncross.com

Email: ploughman@cairncross.com

Attorneys for the City of Issaquah

Dated this 4th day of December, 2020.

BROWN WHITE & OSBORN LLP

By: s/Cynthia M. Cohen

Cynthia M. Cohen, Admitted Pro Hac Vice

333 S. Hope Street, Suite 4000

Los Angeles, CA 90071 Tel: 213.613.0500

Fax: 213.613.0550 E-Mail:

ccohen@brownwhitelaw.com



Email: mwalter@kbmlawyers.com
Attorneys for the City of Issaquah

*Attorneys for ORA Talus 90, LLC and
Resmark Equity Partners, LLC*

Dated this 4th day of December, 2020.

Dated this 4th day of December, 2020.

HARRIGAN LEYH FARMER &
THOMSEN LLP

FOSTER GARVEY PC

By: s/ Tyler L. Farmer
By: s/ Kristin E. Ballinger
Tyler L. Farmer, WSBA #39912
Kristin E. Ballinger, WSBA #28253
999 Third Avenue, Suite 4400
Seattle, WA 98104
Telephone: (206) 623-1700
Fax: (206) 623-8717
Email: tylerf@harriganleyh.com
Email: kristinb@harriganleyh.com
*Attorneys for ORA Talus 90, LLC and
Resmark Partners, LLC*

By: s/ Jack P. Zahner
Jack P. Zahner, WSBA #24505
1111 Third Avenue, Suite 3000
Seattle, WA 98101
Telephone: 206-689-8500
Email: jack.zahner@foster.com
*Attorneys for J.R. Hayes & Sons, Inc.,
Talus 7 & 8, LLC, and Talus Management
Services, LLC*

Dated this 4th day of December, 2020.

Dated this 4th day of December, 2020.

STOEL RIVES LLP

PREG O'DONNELL & GILLET PLLC

By: s/ Patrick Mullaney
Patrick Mullaney, WSBA #21982
600 University Street, Suite 3600 Seattle,
WA 98101 Telephone: (206) 624.0900 Fax:
(206) 386.7500
Email: Patrick.mullaney@stoel.com
*Attorneys for J.R. Hayes & Sons, Inc., Talus
7 & 8, LLC, and Talus Management Services,
LLC*

By: s/ John K. Butler
By: s/ Stephanie Ballard
John K. Butler, WSBA #28528
Stephanie Ballard, WSBA #49268
901 5th Avenue, Suite 3400
Seattle WA 98164
Telephone: 206-287-1775
Email: jbutler@pregodonnell.com
Email: sballard@pregodonnell.com
Attorneys for J.R. Hayes & Sons, Inc.

Dated this 4th day of December, 2020.

Dated this 4th day of December, 2020.

WILLIAMS, KASTNER & GIBBS PLLC

CLEMENT & DROTZ, PLLC

By: s/ Dean G. Von Kallenbach
By: s/ Theresa Rava
Dean G. Von Kallenbach, WSBA #12870
Theresa Rava, WSBA #53159
601 Union Street, Suite 4100
Seattle, WA 98101-2380

By: s/ Scott Clement
By: s/ Brent Hardy
W. Scott Clement, WSBA #16243
Brent Hardy, WSBA #45405
100 W. Harrison Street, Suite N350
Seattle, WA 98119

1 Telephone: 206-628-6600
2 Fax: 206-628-6611
3 Email: dvonkallenbach@williamskastner.com
4 Email: trava@williamskastner.com
Attorneys for Element Residential, Inc. Terra
Talus, LLC and Joshua Freed

Telephone: 206-448-2565
Fax: 206-448-2235
Email: sclement@clementdrotz.com
Email: bhardy@clementdrotz.com
Attorneys for Joshua Freed

6 Dated this 4th day of December, 2020.

Dated this 4th day of December, 2020.

7 FORSBERG & UMLAUF, P.S.

8 OLES MORRISON RINKER & BAKER
LLP

9 By: s/ A. Grant Lingg
10 By: s/ Vicky L. Strada
11 A. Grant Lingg, WSBA #24227
12 Vicky L. Strada, WSBA #34559
13 901 Fifth Avenue, Suite 1400
Telephone: 206-689-8500
Email: glingg@foum.law
Email: vstrada@foum.law
Attorneys for Terra Associates, Inc.

By: s/ Bradley L. Powell
Bradley L. Powell, WSBA #11158
701 Pike Street, Suite 1700
Seattle, WA 98101
Telephone: 206-623-3427
Email: powell@oles.com
Attorneys for Kulchin Foundation Drilling
Company

14 Dated this 4th day of December, 2020.

15 FLOYD PFLUEGER & RINGER, P.S.

16 By: s/ Douglas K. Weigel
17 By: s/ Amanda D. Daylong
18 Douglas K. Weigel, WSBA #27192
19 Amanda D. Daylong, WSBA #48013
20 200 W. Thomas Street, Suite 500
Seattle, WA 98119
Telephone: 206-441-4455
Email: dweigel@floyd-ringer.com
Email: adaylong@floyd-ringer.com
Attorneys for Big Mountain Enterprises

ORDER

PURSUANT TO THE STIPULATED MOTION, IT IS SO ORDERED.

DATED this 7th day of December, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

WILSON SMITH COCHRAN DICKERSON CAIRNCROSS & HEMPELMANN, P.S.

By: s/Whitney L.C. Smith

By: s/Brian Buron

Whitney L.C. Smith, WSBA No. 21159

Brian Buron, WSBA No. 27206

WILSON SMITH COCHRAN DICKERSON

901 Fifth Avenue, Suite 1700

Seattle, WA 98164-2050

Telephone: (206) 623-4100 / Fax: (206) 623-9273

Email: smithw@wscd.com

Attorneys for Third Party Defendant Terra Talus LLC

By: s/Terence J. Scanlan

By: s/Patricia A. Laughman

Terence J. Scanlan, WSBA #19498

Patricia A. Laughman, WSBA # 46716

524 Second Avenue, Suite 500

Seattle, WA 98104-2323

Telephone: 206-623-6501

Facsimile: 206-447-1973

Email: tscanlan@cairncross.com

Email: plaughman@cairncross.com

Attorneys for the City of Issaquah

KEATING, BUCKLIN & MCCORMACH,
INC., P.S.

By: s/Michael C. Walter

Michael C. Walter, WSBA #15044

801 Second Avenue, Suite 1210

Seattle, WA 98104

Telephone: 206-623-8861

BROWN WHITE & OSBORN LLP

By: s/Cynthia M. Cohen

Cynthia M. Cohen, Admitted Pro Hac Vice

333 S. Hope Street, Suite 4000

Los Angeles, CA 90071 Tel: 213.613.0500

Fax: 213.613.0550 E-Mail:

ccohen@brownwhitelaw.com

STIPULATION RE: DEPOSITIONS OUTSIDE DISCOVERY
DEADLINE (Cause No. 18-cv-00910-RSM) – 6
sw/BB6704.050/3738599x37



901 FIFTH AVENUE, SUITE 1700
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

Email: mwalter@kbmlawyers.com
Attorneys for the City of Issaquah

*Attorneys for ORA Talus 90, LLC and
Resmark Equity Partners, LLC*

HARRIGAN LEYH FARMER &
THOMSEN LLP

FOSTER GARVEY PC

By: s/ Tyler L. Farmer

By: s/ Jack P. Zahner

By: s/ Kristin E. Ballinger

Jack P. Zahner, WSBA #24505

Tyler L. Farmer, WSBA #39912

1111 Third Avenue, Suite 3000

Kristin E. Ballinger, WSBA #28253

Seattle, WA 98101

999 Third Avenue, Suite 4400

Telephone: 206-689-8500

Seattle, WA 98104

Email: jack.zahner@foster.com

Telephone: (206) 623-1700

Attorneys for J.R. Hayes & Sons, Inc.,

Fax: (206) 623-8717

Talus 7 & 8, LLC, and Talus Management

Email: tylerf@harriganleyh.com

Services, LLC

Email: kristinb@harriganleyh.com

Attorneys for ORA Talus 90, LLC and

Resmark Partners, LLC

STOEL RIVES LLP

PREG O'DONNELL & GILLET PLLC

By: s/ Patrick Mullaney

By: s/ John K. Butler

Patrick Mullaney, WSBA #21982

By: s/ Stephanie Ballard

600 University Street, Suite 3600 Seattle,
WA 98101 Telephone: (206) 624.0900 Fax:

John K. Butler, WSBA #28528

(206) 386.7500

Stephanie Ballard, WSBA #49268

Email: Patrick.mullaney@stoel.com

901 5th Avenue, Suite 3400

*Attorneys for J.R. Hayes & Sons, Inc., Talus
7 & 8, LLC, and Talus Management Services,
LLC*

Seattle WA 98164

Telephone: 206-287-1775

Email: jbutler@pregodonnell.com

Email: sballard@pregodonnell.com

Attorneys for J.R. Hayes & Sons, Inc.

WILLIAMS, KASTNER & GIBBS PLLC

CLEMENT & DROTZ, PLLC

By: s/ Dean G. Von Kallenbach

By: s/ Scott Clement

By: s/ Theresa Rava

By: s/ Brent Hardy

Dean G. Von Kallenbach, WSBA #12870

W. Scott Clement, WSBA #16243

Theresa Rava, WSBA #53159

Brent Hardy, WSBA #45405

601 Union Street, Suite 4100

100 W. Harrison Street, Suite N350

Seattle, WA 98101-2380

Seattle, WA 98119

Telephone: 206-628-6600

Telephone: 206-448-2565

Fax: 206-628-6611

Fax: 206-448-2235

Email: dvonkallenbach@williamskastner.com

Email: sclement@clementdrotz.com

STIPULATION RE: DEPOSITIONS OUTSIDE DISCOVERY

DEADLINE (Cause No. 18-cv-00910-RSM) – 7

sw/BB6704.050/3738599x37



WILSON
SMITH
COCHRAN
DICKERSON

901 FIFTH AVENUE, SUITE 1700
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273

Email: trava@williamskastner.com
*Attorneys for Element Residential, Inc. Terra
Talus, LLC and Joshua Freed*

ORSBERG & UMLAUF, P.S.

By: s/ A. Grant Lingg
By: s/ Vicky L. Strada
A. Grant Lingg, WSBA #24227
Vicky L. Strada, WSBA #34559
901 Fifth Avenue, Suite 1400
Telephone: 206-689-8500
Email: glingg@foum.law
Email: vstrada@foum.law
Attorneys for Terra Associates, Inc.

FLOYD PFLUEGER & RINGER, P.S.

By: s/ Douglas K. Weigel
By: s/ Amanda D. Daylong
Douglas K. Weigel, WSBA #27192
Amanda D. Daylong, WSBA #48013
200 W. Thomas Street, Suite 500
Seattle, WA 98119
Telephone: 206-441-4455
Email: dweigel@floyd-ringer.com
Email: adaylong@floyd-ringer.com
Attorneys for Big Mountain Enterprises

Email: bhardy@clementdrotz.com
Attorneys for Joshua Freed

OLES MORRISON RINKER & BAKER
LLP

By: s/ Bradley L. Powell
Bradley L. Powell, WSBA #11158
701 Pike Street, Suite 1700
Seattle, WA 98101
Telephone: 206-623-3427
Email: powell@oles.com
*Attorneys for Kulchin Foundation Drilling
Company*

CERTIFICATE OF SERVICE

The undersigned certifies that under penalty of perjury under the laws of the United States of America that on the below date I caused to be served the foregoing document on:

Attorney for Plaintiff

Terence J. Scanlan
 Patricia A. Laughman
 Cairncross & Hempelmann, P.S.
 524 Second Avenue, Suite 500
 Seattle, WA 98104-2323
☐ Via U.S. Mail
☐ Via Facsimile: 206-587-2308
☐ Via Hand Delivery
☒ Via CM/ECF
☐ Via Email: tscanlan@cairncross.com;
 plaughman@cairncross.com

Attorneys for Defendants/Third Party Plaintiffs ORA Talus 90, LLC and Resmark Equity Partners, LLC

Arthur W. Harrigan, Jr.
 Tyler L. Farmer
 HARRIGAN LEYH FARMER & THOMSEN
 999 Third Avenue, Suite 4400
 Seattle, WA 98104
☐ Via U.S. Mail
☐ Via Facsimile: 206-623-8717
☐ Via Hand Delivery
☒ Via CM/ECF
☐ Via Email: arthurh@harriganleyh.com;
 tylerf@harriganleyh.com

Attorney for Third Party Defendant Kulchin Foundation Drilling Company

Bradley L. Powell
 Michael J. Schmidt
 Oles Morrison Rinker & Baker
 701 Pike Street, Suite #1700
 Seattle, WA 98101-3930
☐ Via U.S. Mail
☐ Via Facsimile: 206-682-6234
☐ Via Hand Delivery
☒ Via CM/ECF
☐ Via Email: powell@oles.com;
 schmidt@oles.com

Attorney for Plaintiff

Michael Charles Walter
 Jeremy W. Culumber
 Keating Bucklin McCormack, Inc., P.S.
 801 Second Avenue, Suite 1210
 Seattle, WA 98104-1518
☐ Via U.S. Mail
☐ Via Facsimile: 206-223-9423
☐ Via Hand Delivery
☒ Via CM/ECF
☐ Via Email: mwalter@kbmlawyers.com;
 jculumber@kbmlawyers.com

Attorneys for Defendants/Third Party Plaintiffs ORA Talus 90, LLC and Resmark Equity Partners, LLC

Cynthia M. Cohen
 BROWN WHITE & OSBORN LLP
 333 S. Hope Street, Suite 4000
 Los Angeles, CA 90071
☐ Via U.S. Mail
☐ Via Facsimile: 213.613.0550
☐ Via Hand Delivery
☒ Via CM/ECF
☐ Via Email:
 ccohen@brownwhitelaw.com

Attorney for Third Party Defendants/Third Party Plaintiffs J.R. Hayes & Sons, Inc. and Talus Management Services and Talus 7 & 8 LLC

John P. Zahner
 Patrick J. Mullaney
 Tacy K. Hass
 FOSTER GARVEY P.C.
 1111 Third Avenue, Suite 3400
 Seattle, Wa 98101-3299
☐ Via U.S. Mail
☐ Via Facsimile: 206-447-9700
☐ Via Hand Delivery
☒ Via CM/ECF
☐ Via Email: ZahnJ@foster.com;
 tacy.hass@foster.com;
 mullp@foster.com

Attorney for Third Party Defendant J.R. Hayes & Sons, Inc.

John K. Butler
Preg O'Donnell & Gillett PLLC
901 Fifth Avenue, Suite 3400
Seattle, WA 98164
() Via U.S. Mail
() Via Facsimile: 206-287-9113
() Via Hand Delivery
(X) Via CM/ECF
() Via Email: jbutler@pregodonnell.com

Attorney for Third Party Defendant Terra Associates Inc

A. Grant Lingg
Vicky L. Strada
Forsberg & Umlauf PS
901 Fifth Avenue, Suite 1400
Seattle, WA 98164-2050
() Via U.S. Mail
() Via Facsimile: (206) 689-8501
() Via Hand Delivery
(X) Via CM/ECF
() Via Email: glingg@FoUm.law;
vstrada@foum.law

Attorney for Third Party Defendant Big Mountain Enterprises, LLC

Amanda D. Daylong
Douglas Weigel
Floyd, Pflueger & Ringer, P.S.
200 West Thomas Street, Suite 500
Seattle, WA 98119
() Via U.S. Mail
() Via Facsimile: 206-441-8484
() Via Hand Delivery
(X) Via CM/ECF
() Via Email: adaylong@floyd-ringer.com; dweigel@floyd-ringer.com

Attorney for Third Party Defendants Element Residential, Inc., Joshua Freed and Terra Associates, Inc.

Theresa H. Rava
Dean von Kallenbach
Williams, Kastner & Gibbs PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, WA 98101
() Via U.S. Mail
() Via Facsimile: 206-628-6611
() Via Hand Delivery
(X) Via CM/ECF
() Via Email: trava@williamskastner.com;
dvonkallenbach@williamskastner.com

Attorney for Third Party Defendant Joshua Freed

W. Scott Clement
Travis B. Colburn
Clement & Drotz PLLC
100 West Harrison Street, Suite N350
Seattle, WA 98119-4116
() Via U.S. Mail
() Via Facsimile: 206-448-2235
() Via Hand Delivery
(X) Via CM/ECF
() Via Email:
sclement@clementdrotz.com;
lpersson@clementdrotz.com;
msilver@clementdrotz.com;
tcolburn@clementdrotz.com

SIGNED this 4th day of December, 2020, at Seattle, Washington.

s/ Shawn K. Williams
Shawn K. Williams